

## **CHAPTER 6 ZONING BOARD**

### **SECTION:**

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**2-6-1: INTENT AND PURPOSE:** The Zoning Board is hereby created with the purpose of preserving, protecting and maintaining the public health, safety, welfare and comfort by encouraging the most appropriate use of land within the Village, and to advise the Corporate Authorities on matters referred to it by the Village Board of Trustees.

### **2-6-2: BOARD MEMBERSHIP**

- A. Membership Criteria: The Zoning Board shall consist of five (5) regular members and one alternate member, all of whom shall be residents of the Village and shall serve without pay. The five (5) full members shall attend and participate in all meetings of the Zoning Board and shall vote on all matters coming before the Zoning Board. The one alternate member shall attend and participate in all meetings of the Zoning Board, but shall only vote in the event one or more full members are absent at the time any vote is taken. All members shall be appointed by the Mayor subject to the advice and consent of the Village Board of Trustees, based upon their particular education, training, experience, judgment or other relevant professions or trades. One full member shall be appointed chairman by the Mayor.
- B. Membership Terms: All full members of the Zoning Board shall hold office for the term of three (3) years. The alternate member shall be appointed for a term of one year.
- C. Vacancy: If a vacancy shall occur in any of the full membership, the alternate member shall be appointed to fill such vacancy. Additional vacancies in the full and alternate membership shall be filled in the same manner as the original appointments and for the period remaining in the term of the member being filled at the time of replacement.
- D. Quorum: All meetings of the Zoning Board shall be held at the call from the Chairman or two (2) members of the Zoning Board. Three (3) members of the Zoning Board shall constitute a quorum. Any action must receive the approval vote of four (4) members present at the meeting.
- E. Removal: The Mayor shall have the authority to remove any member of the Zoning Board if it is determined the best interests of the Village require removal. The Mayor shall report his or her reasons for the removal to the Village Board of Trustees

within thirty (30) calendar days prior to removal, which must receive a favorable vote of two-thirds (2/3) of all elected members of the Village Board of Trustees and shall be entered upon the record of the corporate authorities. If the Mayor fails to report his or her reasons for the removal within thirty (30) calendar days or is overruled by the Village Board of Trustees, the member term shall remain. No member shall be removed a second time for the exact same factual occurrence.

- F. Secretary: A representative of the Department of Community and Economic Development shall serve as secretary. The Zoning Board shall keep minutes of its meetings, including a record showing the vote of each member upon every question. The Zoning Board secretary shall be the custodian of all such minutes and all reports, recommendations, documents, exhibits, and other material pertaining to the conduct of the affairs of the Zoning Board.
- G. Conflict of Interest: No elected or appointed official or public employee, or family member of an elected or appointed official or public employee, or paid consultant of the Village shall appear on behalf of or represent any person or organization at any proceeding before the Zoning Board or the Village Board, except on behalf of himself or a member of his/her household, or on behalf of an eleemosynary organization, when zoning, permits or the expenditure of Village funds are not an issue.

**2-6-3: ADMINISTRATIVE DUTIES:** The Zoning Board shall be an advisory body of the Village government, and shall have the following powers and duties:

- A. Review all appeals from any order, requirement, decision or determination made by the Zoning Administrator under this Title, and recommend action to the Village Board of Trustees.
- B. Review all applications for text and map amendments to Title 6 of this Code, report findings and recommendations to the Village Board of Trustees.
- C. Review all applications for a special use permit, excluding Planned Unit Developments (PUD), and report findings and recommendations to the Village Board of Trustees.
- D. Review all applications for a variance from Title 6 of this Code, and report findings and recommendations to the Village Board of Trustees.
- E. Receive from the Zoning Administrator and/or the Village Board of Trustees recommendations and inquires related to the effectiveness of Title 6 and report conclusions and recommendations to the Village Board of Trustees.
- F. Receive from the Village Board of Trustees any matters not listed above, which has been referred to it, and report conclusions and recommendations to the Village Board of Trustees.
- G. Approve or disapprove applications for Minor Amendments to special uses, excluding Planned Unit Developments (PUD), as defined in Section 6-14-11(F)(2) of this Code.

H. To prepare and recommend to the Mayor and Board of Trustees a Comprehensive Plan and an Official Map, and all powers and duties incidental and related thereto, or to recommend changes from time to time, for the present and future development or redevelopment of the Village, all as more expressly described in Article 11, Division 12 of the Illinois Municipal Code, 65 ILCS 5/11-12-4, et seq.

**2-6-4: RULES AND PROCEDURES:** The Zoning Board shall have the power to adopt, amend or repeal its own procedural rules from time to time, provided the same are not inconsistent with law, including this Chapter.

**2-6-5: REPORTS AND RECOMMENDATIONS:** The Zoning Board shall convene a public hearing to review and consider any application identified in Section 2-6-3 herein, within sixty (60) days from which a complete application has been referred to it. Written findings and/or recommendations of the Zoning Board shall be submitted to the Village Board of Trustees within sixty (60) days from the vote, addressing the factors set forth in Chapter 14 of Title 6.

The Village Board of Trustees shall act upon the written findings and recommendation of the Zoning Board within not more than sixty (60) days from the last date the Zoning Board votes on an application. The failure of the Zoning Board to forward its written findings and recommendations to the Village Board of Trustees within the time period provided herein, or as extended with the agreement of the applicant, shall result in the recommendation on the application or request being deemed approved, and the Village Board of Trustees shall consider the recommendation accordingly. Without further public hearing, the Village Board of Trustees shall approve, deny, or refer the application back to the Zoning Board for further consideration. An application which fails to receive an approval recommendation of the Zoning Board must include written findings based upon the items set forth in Chapter 14 of Title 6 and must receive a favorable vote of two-thirds (2/3) of all the elected members of the Village Board of Trustees to be approved. An application which receives the approval recommendation of the Zoning Board may be denied by a majority vote of the Village Board of Trustees.

In no case shall a building permit be issued where the permit plans are not in strict compliance with the conditions for final zoning approval. Any building permit issued in violation of this Section shall be null and void.

**2-6-6: APPEALS:** Any person aggrieved by action taken under the regulations of Title 6 may appeal any order, requirement, decision or determination made by the Zoning Board. Within thirty (30) days from the determination made by the Zoning Board, an application for appeal shall be filed with the Zoning Administrator, who shall forward such appeal to the Village Board of Trustees for its consideration. Any applicant seeking an appeal will also be provided an opportunity to present oral comments directly to the Village Board of Trustees.